

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRYAN MICHAEL POLLESTAD,

Defendant.

Case No. CR20-088-RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL

This matter comes before the Court on defendant's "Motion to Continue Trial Date and Pretrial Motions Filing Deadline" (Dkt. # 44). Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver (Dkt. # 45), the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: in particular, that: (a) defendant has another pending case before the U.S. District Court for the Western District of Washington that is set for trial in 2023, and the parties are working towards a resolution of both cases; and (b) defendant's counsel has a trial in Grant County Superior Court scheduled for July 19, 2022 that is expected to last three to four weeks, which conflicts with defendant's current trial date in this case of July 25, 2022. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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5. Defendant has signed a waiver indicating that he has been advised of his right to a speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived that right and consented to the continuation of his trial to a date up to and including November 1, 2022, Dkt. # 45, which will permit his trial to start on October 17, 2022.

IT IS FURTHER ORDERED that the period of time from the current trial date of July 25, 2022, up to and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

Robert S. Lasnik
Robert S. Lasnik
United States District Judge